

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
MIDDLE DIVISION

JERRY JEROME PRIMM,

Petitioner,

v.

JAMES FORTNER,

Respondent.

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No. 3:09-0731
Judge Trauger

ORDER

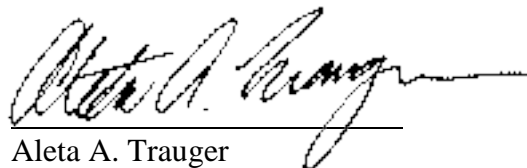
The court has before it a *pro se* petition for a writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254. (Docket Entry No. 1)

As provided in the accompanying memorandum, the petitioner is not entitled to federal *habeas corpus* relief. Therefore, the petition (Docket Entry No. 1) is **DENIED**, and this action is **DISMISSED**. Rule 8(a), Rules – Section 2254 Cases.

Should the petitioner file a notice of appeal, such notice shall be docketed as both a notice of appeal and an application for a certificate of appealability, *see* Rule 22(b), Fed. R. App. P.; *Slack v. McDaniel*, 529 U.S. 473, 483 (2000), which will **NOT** issue, *see* 28 U.S.C. § 2253(c)(2); *Castro v. United States of America*, 310 F.3d 900, 901 (6th Cir. 2002); *Murphy v. Ohio*, 263 F.3d 466, 467 (6th Cir. 2001); *Porterfield v. Bell*, 258 F.3d 484, 485-487 (6th Cir. 2001); *Lyons v. Ohio Adult Parole Auth.*, 105 F.3d 1063, 1073 (6th Cir. 1997)(overruled in part on other grounds by *Lindh v. Murphy*, 521 U.S. 320, 326-27 (1997)).

Entry of this Order shall constitute the judgment in this action.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge